

# EXHIBIT A

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

## **PLAINTIFF'S EXPERT DISCLOSURE**

Plaintiff BWS Properties, LLC (“BWS”), pursuant to Fed. R. Civ. P. 26(a)(2), discloses the following expert witness who may be called to testify in this action under Fed. R. Evid. 702, 703, or 705:

Nic Cornelison  
P&C Construction  
1037 West Main Street  
Chattanooga, Tennessee 37402  
Telephone: (423) 493-0051<sup>1</sup>

Mr. Cornelison is disclosed in this action as an expert in the field of construction. His expert report will be served along with, and is adopted by and incorporated into, this disclosure.

Mr. Cornelison briefly attended the University of Tennessee before electing to complete the AGC STP Supervisory Training Program and PM Project Management Program. He has more than 25 years of experience in the construction field. He has worked on various types of commercial construction projects. Mr. Cornelison is a member of the Associated General Contractors of East Tennessee, Associated General Contractors of America, and American

<sup>1</sup> Mr. Cornelison may not be contacted except through counsel for BWS.

Institute of Architects. In addition to engaging in construction, Mr. Cornelison has also served on the State of Tennessee Workforce Development Committee and currently serves as a Construction Management Committee Member for the University of Tennessee at Chattanooga. Mr. Cornelison's qualifications are further detailed in the *curriculum vitae* and other biographical information attached to this disclosure.

Mr. Cornelison is expected to testify in accordance with his expert report. Specifically, Mr. Cornelison will opine as follows:

- Based on the information provided and site walk through, as well as information from T.U. Parks, the identified costs associated with the necessary repairs are accurate, fair, and reasonable based on the known scopes of work.
- The Property was not preserved, maintained, or repaired in good working order.

Mr. Cornelison can be expected to respond to evidence and testimony presented by Defendant or other witnesses in a deposition or at trial. Mr. Cornelison may also testify in response to any additional information obtained in discovery (including deposition testimony), exhibits introduced as evidence, or materials prepared or used for demonstrative purposes by any witness. Mr. Cornelison's opinions are based, and his testimony will be based, on his training, experience, education, and review of applicable literature and case-specific materials identified specifically in his expert report. All of Mr. Cornelison's opinions are held to and based on a reasonable degree of certainty.

Mr. Cornelison's rates of compensation for his services as an expert in this matter are \$250.00 per hour for both his analytical work and preparation of his expert report. Mr. Cornelison has testified as an expert at trial or by deposition in the past four years. BWS disclaims any duty to call any witness at trial by virtue of their identification in this disclosure. BWS reserves the right to supplement, amend, or revise this expert witness disclosure, and Mr. Cornelison reserves the right to supplement, amend, or revise his expert report in response to additional information

obtained during discovery (including depositions), in accordance with the Federal Rules of Civil Procedure, or as otherwise permitted by this Court.

Respectfully submitted,

**MILLER & MARTIN PLLC**

By: s/ Lynzi J. Archibald  
Lynzi J. Archibald, TN BPR No. 030063  
Jessica M. Wolinsky, TN BPR No. 039785  
832 Georgia Avenue, Suite 1200  
Chattanooga, Tennessee 37402  
(423) 785-8406  
lynzi.archibald@millermartin.com  
jessica.wolinsky@millermartin.com

*Counsel for Plaintiff BWS Properties, LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certify that an exact copy of this pleading has been served upon counsel for all parties in this action, or upon said parties themselves as required by law, by delivering a copy thereof, via email and/or by depositing a copy of the same in the United States Mail, with sufficient postage affixed thereto, to ensure delivery to the following:

Mary Beth White  
Peter C. Robison  
424 Church Street, Suite 2500  
P.O. Box 198615  
Nashville, Tennessee 37219  
mbwhite@lewisthomason.com  
probison@lewisthomason.com

This 13th day of May 2025.

**MILLER & MARTIN PLLC**

By: s/ Lynzi J. Archibald



# NIC CORNELISON

PRESIDENT

1037 W Main Street  
423.493.0051

Chattanooga, TN 37402  
nic@pc-const.com

## QUALIFICATIONS AND EXPERIENCE

### HIGHLIGHTED CONSTRUCTION EXPERIENCE

Nic is a visionary leader, bridge builder, and problem solver with strong organizational skills. With over 25 years and \$700+ Million in construction projects, he has maintained high levels of customer satisfaction by upholding the highest job site safety standards and delivering projects on time and within budget.

- UCF Campus Student Housing Renovation - Chattanooga, TN
- Education Corporation of America - 26 Campuses
- It is Written - Collegedale, TN
- Regions Bank- Over 100 various locations
- DEA Field Office- Chattanooga, TN
- Jackson County Board of Education - Various Campuses
- Blue Cross Blue Shield Healthy Place Parks - Various Locations
- Pandora Motorsports - Chattanooga, TN
- Covenant College - Multiple Projects - Lookout Mountain, GA
- Erlanger Hospital - Chattanooga, TN
- VA Imaging Center- Chattanooga, TN
- UTC Campus Site Improvements - Chattanooga, TN
- Southern Honda - Chattanooga, TN
- Chattem - Chattanooga, TN
- VA Mental Health- Chattanooga, TN
- Hobby Lobby - 27 Locations

### WORK EXPERIENCE

#### P&C CONSTRUCTION, CHATTANOOGA, TN      1997 - PRESENT

- Creates and executes project work plans, revises plans to meet changing needs and requirements, and maintains budget and construction schedule.
- Reviews status reports of team members and directly addresses issues to resolve them quickly.
- Uses his depth of knowledge of advanced revenue models, P/L and cost-to-completion projections, revenue forecasting, profitability margins, billing, and utilization to keep project financials organized.
- Maintains strong, positive relationships with customers, contractors, suppliers and other employees.
- Specializes in high-stress, high-profile projects with time restraints.

### LICENSES, CERTIFICATIONS, & TRAINING COURSES

- Construction Supervisory Program | Instructor | 2006-Present
- AGC Superintendent Training Program | Graduated | 2001
- OSHA | 30 Hour Certified
- International Code Council
- Southern Building Code Congress

### CERTIFICATIONS / ASSOCIATIONS

- Associated General Contractors of East Tennessee, Current: Board Member, Governmental Affairs Committee, and Construction Career Center Owner Representative; Past: Chairman and Education Committee Chairman
- Associated General Contractors of America, Current: Board of Governors; Past: President, Skill - Integrity - Responsibility SIR Award
- Jackson County Chapter of AL Cattlemen, Past President
- American Institute of Architects of Chattanooga, Current Member
- Construction Career Center, Current Board Member
- State of Tennessee Workforce Development, Past Committee Member
- University of Tennessee at Chattanooga, Current Construction Management Committee Member



Case 1:24-cv-00029-CHS

Document 35-1

Filed 08/08/25

Page 6 of 9

PageID #:



May 9, 2025

Jessica Wolinsky  
Attorney at Law  
Miller & Martin PLLC  
832 Georgia Avenue  
Suite 1200  
Chattanooga, TN 37402

**Ref: BWS Properties, LLC v. Airgas USA, LLC**

Jessica,

Thank you for requesting our services to review the condition of and budgets and costs associated with necessary repairs for BWS Properties, LLC's facility located at 700 Manufacturers Road, Chattanooga, TN 37405. The walk through at this property took place on 4/15/25 at 1:30 p.m.

We have reviewed the following documents related to this property:

- Industrial Building Lease dated 6/1/22
- Aerial Photo of 700 Manufacturers Road
- Removal Filings
- Defendant Airgas USA, LLC's Answer to Complaint
- Plaintiff's Answers to Defendant's First Interrogatories (Redacted)
- Defendant Airgas USA, LLC's Responses to the First Interrogatories Propounded by Plaintiff BWS Properties, LLC (Redacted)
- Plaintiff's Supplemental Answers to Defendant's First Interrogatories (Redacted)
- Crexi For Lease Report last updated 8/16/24
- Various photos numbered BWS-00089 to BWS-000123, BWS-000617 to BWS-000619, BWS-000621, AIRGAS USA 000212 to AIRGAS USA 000228, and AIRGAS USA 000644 to AIRGAS USA 000660
- Access Garage Doors Invoice \$237.50 dated 6/2/23
- T.U. Parks Preliminary Budget Breakdown \$534,584.36 Dated 6/15/23 & 6/16/23
- Various documents produced by T.U. Parks in support of the Budget Breakdown
- Scenic Breezeway Invoice \$5,575.00 dated 7/3/23
- A. Barnes Fence Invoice \$650.00 dated 11/7/23
- Oasis Heating & Air Invoice \$926.00 dated 7/29/24



Based on the information noted above and site walk through, as well as information from T.U. Parks, I concluded that the following costs associated with the necessary repairs are accurate, fair, and reasonable based on the known scopes of work:

➤ <b>Landlord funded repair expenses paid to date:</b>	<b>\$7,388.50</b>
➤ <b>T.U. Parks Preliminary Budget of necessary repairs:</b>	<b>\$534,584.36</b>

*Note: General Cost of Commercial Construction Cost Increases from June 2023 to May 2025 per CONSTRUCTIONDIVE.com reporting average annualized increases of 9.7%.*

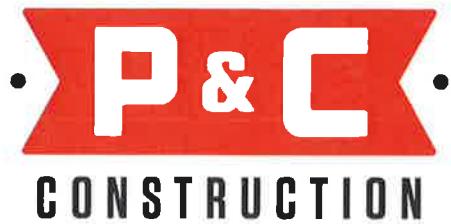
➤ <b>19.4% Annualized increase of Budget:</b>	<b>\$103,709.36</b>
---	---------------------

Scope items not included in the T.U. Parks Preliminary Budget that also need repairs:

• Metal Building Insulation Repairs Building 1 & 2	<b>\$8,107.50</b>
• Drywall Wall & Ceiling Repairs Building 1 & 2	<b>\$13,617.82</b>
• Concrete Sidewalk & Ramp Replacement Building 4	<b>\$4,878.11</b>
• Concrete Slab Replacement Front of Building 4	<b>\$44,322.00</b>
• Gutters, Down Spouts, Metal Siding Front Corner Bldg 4	<b>\$5,879.43</b>

**Total Cost to Repair:** **\$722,487.08**

In summary, this property was not preserved, maintained, or repaired in good working order. Some examples of neglect include: windows broken out, pots under leaking pipes, paint stored in showers, roof leaks, destroyed areas of concrete & asphalt paving, man doors that appear to have been beaten with sledge hammers, overhead doors that appear to have been hit by forklifts or trucks, piles of trash, numerous areas of drywall damage from what appeared to be built-in millwork removal and abuse (some areas look like they have been shot with a shotgun), acoustical ceilings falling out for various reasons, flooring that has been destroyed, open and dangerous electrical junction boxes, wires hanging out of the ceilings, lights missing parts. This list could go on.



If new information is presented, I reserve the right to update this report.

Have a great day!

A handwritten signature in blue ink, appearing to read 'Nic R. Cornelison'.

Nic R. Cornelison